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13 *Toshiba America, Inc.,*

14 *Toshiba America Consumer Products, LLC,*

15 *Toshiba America Information Systems, Inc.,*

16 *and Toshiba America Electronic Components, Inc.*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 (SAN FRANCISCO DIVISION)

20 IN RE: CATHODE RAY TUBE (CRT)
21 ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917

22 This Document Relates To:

23 *The Indirect Purchaser Action*

**DECLARATION OF J. FRANK
HOGUE IN SUPPORT OF THE
TOSHIBA DEFENDANTS'
NOTICE OF MOTION AND
MOTION TO DECERTIFY THE
IPP STATEWIDE CLASSES FOR
DAMAGES**

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DECLARATION OF J. FRANK HOGUE IN SUPPORT OF THE TOSHIBA DEFENDANTS' NOTICE
OF MOTION AND MOTION TO DECERTIFY THE IPP STATEWIDE CLASSES FOR DAMAGES

Case No. 07-5944-SC

MDL No. 1917

1 I, J. Frank Hogue, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, counsel for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer
4 Products, LLC, Toshiba America Information Systems, Inc., and Toshiba America Electronic
5 Components, Inc. (collectively, the "Toshiba Defendants").

6 2. I submit this declaration in support of the Toshiba Defendants' Notice of
7 Motion and Motion to Decertify the IPP Statewide Classes for Damages, filed
8 contemporaneously herewith. I have personal knowledge of the facts stated herein, and I
9 could and would competently testify thereto if called as a witness.

10 3. Attached hereto as Exhibit A is a true and correct copy of the Declaration of
11 Mario N. Alioto in Support of Reply Brief in Support of Motion of Indirect-Purchaser
12 Plaintiffs for Class Certification, dated February 15, 2013.

13 4. Attached hereto as Exhibit B is a true and correct copy of the Declaration of
14 Janet S. Netz, Ph.D., in Support of Motion of Indirect-Purchaser Plaintiffs for Class
15 Certification, dated October 1, 2012.

16 5. Attached hereto as Exhibit C is a true and correct copy of the Expert Report of
17 Janet S. Netz, Ph.D., dated April 15, 2014.

18 6. Attached hereto as Exhibit D is a true and correct copy of the Rebuttal Expert
19 Report of Dr. Janet Netz, dated September 24, 2014.

20 7. Attached hereto as Exhibit E is a true and correct copy of excerpts from the
21 transcript of the deposition of Brian Luscher (Arizona Class Representative), dated
22 April 25, 2014.

23 8. Attached hereto as Exhibit F is a true and correct copy of excerpts from the
24 transcript of the deposition of David Rooks (Florida Class Representative), dated
25 November 30, 2012.

26 9. Attached hereto as Exhibit G is a true and correct copy of excerpts from the
27 transcript of the deposition of Louise Wood (New York Class Representative), dated
28 October 15, 2012.

DECLARATION OF J. FRANK HOGUE IN SUPPORT OF THE TOSHIBA DEFENDANTS' NOTICE
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1 10. Attached hereto as Exhibit H is a true and correct copy of excerpts from the
2 transcript of the deposition of Jeffrey Figone (California Class Representative), dated
3 October 19, 2012.

4 11. Attached hereto as Exhibit I is a true and correct copy of excerpts from the
5 transcript of the deposition of Gloria Comeaux (Nevada Class Representative), dated
6 October 15, 2012.

7 12. Attached hereto as Exhibit J is a true and correct copy of select pages from a
8 Toshiba television manual produced in this litigation by the Indirect Purchaser Plaintiffs and
9 bearing the Bates numbers CRT000766 through CRT000829.

10 13. Attached hereto as Exhibit K is a true and correct copy of the Indirect
11 Purchaser Plaintiffs' Objections and Responses to Defendant Panasonic Corporation of North
12 America's First Set of Interrogatories, dated August 13, 2014.

13 14. Attached hereto as Exhibit L is a true and correct copy of excerpts from the
14 transcript of the deposition of Janet S. Netz, Ph.D., dated October 31, 2014.

15 15. Attached hereto as Exhibit M is a true and correct copy of excerpts from the
16 transcript of the deposition of Janet S. Netz, Ph.D., dated November 15, 2012.

17 16. On February 13, 2015, I attempted to access the URL
18 <http://www.orderpartstoday.com> using two different web browsers, Internet Explorer and
19 Google Chrome. Internet Explorer reported that, "This page can't be displayed." Google
20 Chrome reported that, "This webpage is not available."

21 I declare under penalty of perjury under the laws of the United States of America that
22 the foregoing is true and correct.

23 Executed this 13th day of February, 2015, in Washington, D.C.

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J. Frank Hogue

DECLARATION OF J. FRANK HOGUE IN SUPPORT OF THE TOSHIBA DEFENDANTS' NOTICE
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